



दक्षिण रेलवे / **SOUTHERN RAILWAY**

सं No.P(R)420/P/Vol.VIII

प्रधानकार्यालय / Headquarters Office
कार्मिक शाखा / Personnel Branch
चेन्नै / Chennai - 600 003
दि. Dated: 18-07-2019

पी बी सी सं / PBC No.146 / 2019

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops.

(As per mailing list-'A')

Sub : Commutation of LHAP for the purpose of encashment of leave
salary: OA No 310/01381/2016 dated 27.06.2018 of Hon'ble
CAT/MAS in the case of Shri. Panneer Selvam Pandian.

In a case filed by one Shri.Panneer Selvam Pandian Retired Station
Superintendent of MDU division in OA NO.310/01381/2018 before the Hon'ble
CAT/MAS claiming for commutation of LHAP for the purpose of encashment
of leave up to a maximum of 300 days, was disposed by the Hon'ble
CAT/MAS vide order dated 27.06.2018 with a direction to seek clarification
from DOP& T on the same.

Based on the above a reference was made to Railway Board vide
this office letter of even no. dated 07-08-2018. A copy of Board's reply issued
vide letter No. F(E)III/2018/LE-1/2 dated 28-06-2019 along with DOP&Ts letter
dated 28-05-2019 is enclosed for information, guidance and necessary action.


18-07-19

(R.M.Ravikumar)

वरिष्ठ कार्मिक अधिकारी/नियम

Senior Personnel Officer/Rules

For Principal Chief Personnel Officer

संलग्न / Encl. as above

प्रतिलिपि / Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy / AIOBCREA
The Genl Secy / NFIR

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No.F(E)III/2008/LE-1/2

New Delhi, dated: 28.06.2019.

The General Manager (P),
Southern Railway,
Chennai.

(Kind attention:- Sh. G. Sreenivasa Rao, CPO/Admin)


Sub: O.A. No. 310/01381/2016 dated 27.06.2018 by Hon'ble CAT/MAS in the case of Sh. Panneer Selvam Pandian-reg.

Ref: (i) Southern Railway's letters No. P(R)420/P/Vol.VIII dated 07.01.2019 and 05.03.2019.

(ii) Railway Board's letter No. F(E)III/2008/LE-1/2 dated 15.02.2019.

Please refer to your Railway's above mentioned letters, vide which, based on the directions of Hon'ble CAT/MAS, advice was sought whether LHAP can be commuted to make good the shortage of LAP for the purpose of encashment of leave, upto maximum of 300 days at the time of superannuation.

2. As per the direction of the Hon'ble CAT/MAS through oral order dated 27.06.2018 given in the O.A. No. 310/01381/2016 in the case of Sh. S. Panneer Selva Pandian vs Union, the matter has been examined in consultation with Department of Personnel & Training (DOP&T). DOP&T has advised that Rule 39(2) (a) of the CCS (Leave) Rules, 1972 (equivalent to Rule 550(A)(1)(c) of the Indian Railway Establishment Code (IREC) Vol-I) provides, "**to make up the short fall in earned leave no commutation of half pay leave shall be permissible**". thereby the calculation of leave encashment in the instant matter by Ministry of Railways seems to be in accordance with the CCS (Leave) Rules, 1972. In this regard, it is also stated that the Leave Rules applicable on Railways are broadly based on the CCS (Leave) Rules, 1972 and Earned Leave (EL) and Half Pay Leave (HPL) of the CCS (Leave) Rules, 1972 is equivalent to the Leave on average pay (LAP) and Leave on Half Average Pay (LHAP) respectively of the Railway Services (Liberalised) Leave Rules, 1949, contained in the Chapter 5 of the Indian Railway Establishment Code (IREC) Vol.-I. A copy of the clarification given by the DOP&T on the issue is enclosed for taking further necessary action.


(G.Priya Sudarsani)
Director, Finance (Estt.)
Railway Board,
Ph.No.23304528

D.A.: As above

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

M/o Railways may refer to their OM no. F (E)11/2008/LE-1/2 dated 11.04.2019 regarding Hon'ble CAT's order dated 27.06.2018 in the O.A. No. 316/01381/2016 in the matter of Smt. S. Pannier Selva Pandian Vs. M/o Railways.

2. The matter has been considered in this Department and it is stated that Rule 39 (2) (a) of the CCS (Leave) Rules, 1972, provides, "where a Government servant retires on attaining the normal age prescribed for retirement under the terms & conditions governing his service, the authority competent to grant leave shall suo-motu, issue and order granting cash equivalent of leave salary for both earned leave and half pay leave if any at the credit of the Government servant on the date of his retirement subject to a maximum of 300 days." Further, Rule 39 (2) (c) of the CCS (Leave) Rules, 1972 provides, "to make up the short fall in earned leave no commutation of half pay leave shall be permissible."

3. The calculation of leave encashment in the instant matter by M/o Railways seems to be in accordance with the CCS (Leave) Rules, 1972. However, since the CCS (Leave) Rules, 1972 are not applicable to the Railways employees, M/o Railways may take an administrative decision in the matter.

4. This issues with the approval of AS (E).



(Sandeep Saxena)

Under Secretary to the Government of India

011-26164316

clerk pl.

Ministry of Railways, Railway Board, (Ms. G. Priya Sudarsani, Director Finance (Estt)), Rail Bhawan, New Delhi.

DOP&T I.D. No. 14029/3/2019-Estt. (L) dated 28.05.2019.